

My name is Hank Giclas H-A-N-K G-I-C-L-A-S

I am the vice president for strategic planning science and technology for Western Growers.

Western Growers is a non-profit trade association representing growers and handlers of fresh fruits nuts and vegetables grown in and sold from California and Arizona.

Western Growers has approximately 3000 members, roughly a third of those are growers and handlers and the remaining members are companies such as seed, fertilizer, container and other supporting and related services.

Collectively our members grow and ship almost half of the United States total output of fruits and vegetables and in some commodities like leafy greens the percentage is far higher perhaps approaching 90 percent as most of the growers and handlers in California and Arizona are Western Growers members.

As such, Western Growers has been directly engaged in the development and implementation of a national marketing agreement for leafy greens since its inception. We have taken part in the drafting of the current proposal, have advocated for its acceptance and establishment and we are committed to working with all parties to continue to improve the agreement so that it is workable for all, does not disenfranchise any segment of the industry and improves the quality of leafy greens offered in this country and beyond.

We firmly believe that a national agreement for leafy greens will help accomplish this by empowering willing handlers of leafy greens to collectively organize to improve the quality of these products produced and sold in the United States by facilitating the development and adoption of good agricultural, handling and manufacturing practices that will minimize the potential for contamination by pathogens of human concern in the field, packing and processing facility.

Western Growers believes that a standardized set of best practices in these areas can and should be developed so that they are accessible to all parties in this very diverse industry including both large and small as well as conventional and organic growers and handlers and that the approved

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practices are based on the best available science as well as practical and implementable in a variety of geographies and production environments.

Western Growers believes that a set of audit metrics that addresses FDA requirements and is grounded in their guidance and that is developed with direct input from a strong cross section of industry under the supervision of and oversight of USDA will equip growers and handlers with a standardized and agreed upon set of practices that can be utilized to push back on and help extinguish the diverse market driven specifications and independent audits that plague growers and handlers across the country. A standardized set of best practices will additionally facilitate commerce by allowing engaged handlers broader access to products than available today by allowing their suppliers to demonstrate they are following these accepted practices.

That said, we are convinced that a one size fits all set of audit metrics will not work well for the industry but we strongly contend that there are agreed upon areas of risk that should and can be accounted for in all operations and that specific, measurable and verifiable audit points can be developed for every type and size operation.

We firmly believe that every operation should be employing the best food safety practices available for the sake of the industry and the consumer and that a national leafy greens marketing agreement is the best method of ensuring that industry is at the table and engaged in the development of those practices.

We are convinced that absent such an agreement food safety practices will be developed for leafy greens producers and handlers as a mandate of new federal law and that the leafy green industry will have minimal input in that process. We are concerned that once food safety becomes a construct of federal legislation and regulation it may be politicized, less accessible to the industry and that once codified it will be much more difficult to change as we learn more about how to be protective and as science advances.

So these are the tenets that are important to us – that willing leafy green producers and handlers be allowed to organize to improve their industry and facilitate the marketability of their products – that they do so in a manner that is flexible, adaptive and fosters strong collaboration between government and industry – that they do so in a manner that ensures

accessibility for diverse operations and does not disenfranchise select categories of business - Western Growers believes a national leafy greens marketing agreement is the best mechanism available to create a structure and framework for industry improvement as it empowers us all to engage with government in a cooperative and collaborative manner that brings forward the strengths of FDA, USDA and others with the expertise of industry to design a program that works for all.

What I would also like to discuss briefly is some of the things that we do not believe:

We do not believe as some have alleged that this will force consumers to “choose or look for a branded product that is safer” ... Several parties in previous testimony have stated that the NLGMA will result in a consumer label ...forcing consumers to separate the safe from unsafe food. This is not contemplated in any way by the NLGMA which talks about the use of a “mark” on bills of lading and other sales documents. The mark is contemplated as a tool to communicate to buyers (retail and food service) and not as a label for packages or products in the marketplace.

We do not believe that the marketing agreement will shut down or extinguish existing relationships between local growers and buyers who are sourcing their products directly. In fact – retailers, food service buyers and even brokers are not eligible to become signatories to the agreement. They would not be able to sign in and require these practices from their local growers. That said, it is reasonable to assume that they will pay attention to the best practices developed in conjunction with a national agreement and perhaps modify their specifications if they deem it appropriate and necessary. But there is nothing to suggest that they will not work to ensure their local suppliers are capable of continuing to sell products into local restaurants, farmers markets and retail outlets. If the marketing agreement informs these relationships and improves on the best practices in these areas we believe that is positive for the industry as a whole.

It has been suggested that a national marketing agreement for leafy greens will not reduce the burden on growers and small business. But Western Growers believes that there is potential for this in the reduction of multiple audits that we anticipate may occur as a result of a consistent standard established in conjunction with a national leafy greens marketing agreement. We likewise do not believe that a national marketing agreement will increase

the burden for small business and growers associated with such a program. A program implemented by USDA could ensure coordination between the requirements of a marketing agreement and the requirements of the NOP both administered under authority of USDA AMS. This in fact if properly tailored and or coordinated could reduce audit and inspection burden. While not specifically addressed at this time it would be feasible, practical and recommended for industry and government to develop tools and resources that will help small business and growers adapt and comply with requirements of an agreement. Several individuals testifying in previous hearings have discussed the need for education and extension to help growers comply and Western Growers both supports this suggestion and is committed to ensuring that it is in fact built into the agreement.

One comparison that has been brought out continually in previous hearings is the comparison to the California and Arizona marketing agreements and the metrics associated with those programs. Western Growers was fundamentally engaged in the development of those programs and while we believe them to be strong, credible and protective programs grounded in available science we also strongly believe that it is not appropriate to force the audit metrics associated with those programs into a national agreement as the rules of the road. The national agreement presents an opportunity to revisit metrics, to ensure they are scalable and appropriate for the diversity of producers and handlers that make up our industry. We believe that audit metrics should be science based, practical in the field, specific, measurable and verifiable. We recognize that they may vary and we believe that by appropriately crafting these metrics we can as an industry minimize the burden and costs for all while ensuring they are meaningful and protective.

Western Growers has also been aware that in previous testimony, the role of industry has been questioned along with the opportunity for input by other interested parties such as consumers, environmental and wildlife scientists etc. It has been disturbing that in several instances when presenters have asked if they would participate in the developmental process they have refused having instead objected to the mere premise of an agreement rather than engaging with industry to perfect and improve it so that it meets the needs of these parties. That said, from Western Growers standpoint, we are supportive of the addition of these parties to the technical review board and are receptive to potential reconfiguration of the administrative committee to ensure that the diversity of growers in the leafy greens industry is fairly represented.

We likewise believe that the process for developing and approving audit metrics for the agreement is open, transparent and inclusive allowing access for any individual consumer and judging by the level of interest in the agreement we would anticipate strong engagement in this process from across the country.

In conclusion, we see this proposed national marketing agreement for leafy greens as a means to creating a collaborative structure for industry that will allow them to engage proactively with government and other interested parties to craft a workable program that is accessible to a diverse set of operations and that in so doing the industry is empowered to improve the quality and marketability of their products for their own benefit and for that of the consumers.